

REMARKS

Claims 1 to 22 and 53 to 67 are pending in this application. Claims 1 to 22 have been rejected under 35 U.S.C. § 102 and 103 as being unpatentable. Claims 53 to 67 are new claims, which are supported in the specification and do not add new matter to the application.

Reconsideration is requested for each of the claims.

35 U.S.C. § 102 Anticipation

The Examiner has maintained the rejection of Claims 1 to 22 under 35 U.S.C. § 102 under Kose (JP 5-25027). Applicant reasserts its traversal of this rejection, and the arguments in its response of February 8, 2002.

Kose's use of heat and non-polar, hydrophobic solvents results in either: (1) failure to extract the STI or (2) destruction of the STI activity (see evidence introduced by Applicant in the February 8, 2002 response). Therefore, Kose does not disclose the present invention, which requires STI and STI activity, and in fact, Kose teaches away from the present invention.

35 U.S.C. § 103 Non-Obviousness

The Examiner has maintained the rejection of Claims 1-22 under 35 U.S.C. 103 (a) as being unpatentable over by Kose or Styczynski (U.S. Patent No. 5,958,946) ("Styczynski"). Applicant respectfully traverses this rejection, and reasserts its arguments in its response of February 8, 2002.

Styczynski's invention, when used in a reduced hair growth area with androgens, will cause an increase in hair growth. Applicant's invention is very different from Styczynski's because the present invention will reduce hair in both types of areas (those which are androgen sensitive and non-androgen sensitive). Because Styczynski's invention does not reduce hair growth in both types of areas, the present invention is not disclosed in Styczynski. Since

Styczynski's invention actually has the opposite effect from the present invention, i.e. promoting hair growth, it teaches away from Applicant's invention.

Further, the present invention is not disclosed in Styczynski because the present invention does not affect the hormone pathway, while Styczynski works via the hormone pathways. Styczynski's invention employs hormone pathways as described by the correlation of specific effects in androgen-stimulated areas and the opposite specific effects in androgen-reducing areas. Col. 2, lines 15-20. One of ordinary skill in the art would know that androgens and STI have different distinct pathways (see Seiberg Declaration, ¶3, attached to February 8, 2002 response). Therefore, Styczynski teaches away from the present invention, which does not use the hormone pathways.

Therefore, it would be non-obvious to one of ordinary skill in the art to use STI to effect hair growth as claimed in the Application.

CONCLUSION

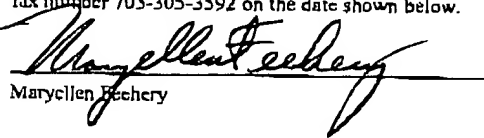
Applicant respectfully asserts that the application is in condition for allowance. Reconsideration and the early issuance of a Notice of Allowance are requested. If the Examiner has any outstanding issues, the courtesy of a phonecall is requested.

Authorization of Deposit Account

The Commissioner is hereby authorized to charge any fees or credit any overpayment, to Deposit Account 18-0586. This authorization also hereby includes a request for any extensions

of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

I hereby certify that this paper and the papers referred to herein as being transmitted, submitted, or enclosed herewith for application Serial No. 09/621,565 is/are being facsimile transmitted to the United States Patent and Trademark Office fax number 703-305-3592 on the date shown below.

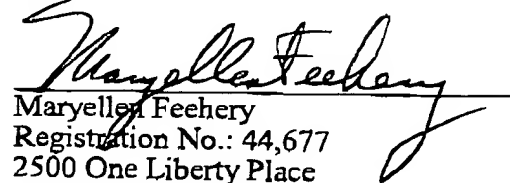

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Respectfully submitted,

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